

**Department of State  
Division of Publications**

312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615.741.2650  
Fax: 615.741.5133  
Email: [register.information@tn.gov](mailto:register.information@tn.gov)

**For Department of State Use Only**

Sequence Number: \_\_\_\_\_

Notice ID(s): \_\_\_\_\_

File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Environment and Conservation
<b>Division:</b>	Water Resources
<b>Contact Person:</b>	Jimmy Smith
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 11 <sup>th</sup> Floor Nashville, Tennessee 37243
<b>Phone:</b>	(615) 532-0648
<b>Email:</b>	<a href="mailto:Jimmy.R.Smith@tn.gov">Jimmy.R.Smith@tn.gov</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2 <sup>nd</sup> Floor Nashville, Tennessee 37243
<b>Phone:</b>	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
<b>Email:</b>	<a href="mailto:Beverly.Evans@tn.gov">Beverly.Evans@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Nashville Room, 3 <sup>rd</sup> Floor		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	10-16-15		
Hearing Time:	12:00 p.m	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

The intent of this rulemaking is amend Rule 0400-40-11-.02 to reduce the application fee to \$50 and the annual maintenance fee to \$0 for general permits for recreational prospecting for gold or other precious and semi-precious ores, metals and minerals.

An initial set of draft rules has been prepared for public review and comment. For more information, including the "DRAFT" rules and "redline" copy, please visit TDEC's website at <http://tn.gov/environment/ppo/#water>.

Copies of these initial draft rules are also available for review at the Tennessee Department of Environment and

Conservation's Environmental Field Offices located as follows:

Memphis Environmental Field Office  
8383 Wolf Lake Drive  
Memphis, TN 38133  
(901) 371-3000/1-888-891-8332

Cookeville Environmental Field Office  
1221 South Willow Avenue  
Cookeville, TN 38506  
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office  
1625 Hollywood Drive  
Jackson, TN 38305  
(731) 512-1300/1-888-891-8332

Chattanooga Environmental Field Office  
Suite 550- State Office Building  
540 McCallie Avenue  
Chattanooga, TN 37402-2013  
(423) 634-5745/1-888-891-8332

Columbia Environmental Field Office  
1421 Hampshire Pike  
Columbia, TN 38401  
(931) 380-3371/ 1-888-891-8332

Knoxville Environmental Field Office  
3711 Middlebrook Pike  
Knoxville, TN 37921-6538  
(865) 594-6035/1-888-891-8332

Nashville Environmental Field Office  
711 R. S. Gass Blvd.  
Nashville, TN 37243-1550  
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office  
2305 Silverdale Road  
Johnson City, TN 37601-2162  
(423) 854-5400/1-888-891-8332

Draft copies are also available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation  
Division of Water Resources  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243  
(615) 532-0625

Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Division of Water Resources; Tennessee Department of Environment and Conservation; Attention: Jimmy Smith; William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor, Nashville, Tennessee 37243; telephone 615-532-0648 or FAX 615-532-0686. However, such written comments must be received by the Division by 4:30 PM CDT, Friday, October 16, 2015, in order to ensure consideration. For further information, contact Jimmy Smith at the above address or telephone number.

**Revision Type (check all that apply):**

☒ Amendment  
☐ New  
☐ Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-40-11	Environmental Protection Fund Fees
Rule Number	Rule Title
0400-40-11-.02	Fees

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

## Amendments

### Chapter 0400-40-11 Environmental Protection Fund Fees

Subpart (vi) of part 1 of subparagraph (a) of paragraph (2) of Rule 0400-40-11-.02 Fees is amended by deleting it in its entirety and substituting instead the following:

- |      |   |      |
|------|---|------|
| (vi) | Personal residence, family farm, or recreational prospecting for gold or other precious and semi-precious ores, metals and minerals | \$50 |
|------|---|------|

Authority: T.C.A. § 69-3-101 et seq., 68-203-101 et seq. and 4-5-201 et seq.

Part 12 of subparagraph (b) of paragraph (2) of Rule 0400-40-11-.02 Fees is amended by deleting it in its entirety and substituting instead the following:

#### 12. General Permits

- |       |   |         |
|-------|---|---------|
| (i)   | For construction activities that exceed one year under general permit coverage:   |         |
| (I)   | Projects equal to or greater than 150 acres   | \$3,750 |
| (II)  | Projects equal to or greater than 50 acres and less than 150 acres  | \$2,000 |
| (III) | Projects equal to or greater than 20 acres and less than 50 acres   | \$1,000 |
| (III) | Projects equal to or greater than 5 acres and less than 20 acres  | \$500   |
| (IV)  | Projects equal to or greater than 1 acre and less than 5 acres  | \$125   |
| (ii)  | For minor activities that require no notification to obtain general permit coverage, recreational prospecting for gold or other precious and semi-precious ores, metals and minerals, or concentrated animal feeding operations | \$0     |
| (iii) | All other activities  | \$350   |

Authority: T.C.A. § 69-3-101 et seq., 68-203-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Tisha Calabrese-Benton

Title of Officer: Director of the Division of Water Resources

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State